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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,980	01/20/2004	Yeh-Jiun Tung	10052/4102	4015
26646	7590	05/12/2005		
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			EXAMINER NGUYEN, THINH T	
			ART UNIT 2818	PAPER NUMBER

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/761,980	TUNG ET AL.
	Examiner Thinh T. Nguyen	Art Unit 2818

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 March 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-35 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-35 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 20 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):  
 a) All. b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED OFFICE ACTION**

### **Election/restriction**

1. In response to applicants' communication on 03/07/2005, the restriction requirement for Species in the Office Action issued on 02/04/2005 is withdrawn; Therefore, claims 16-31 will be rejoined with claims 1-15 and claims 1-35 are pending in the Application.

### **Specification**

2. The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant cooperation is requested in correcting any errors of which the applicant may become aware in the specification.

### **Double Patenting**

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent 6,885,025.

Although the conflicting claims are not identical, they are not patentably distinct from each other. Claims 1-35 of the present invention is a similar version of the claimed invention in claims 1-17 of the above-identified U.S. Patent with similar intended scope. Claim 1 in the present Application for example has all the limitations of claim 1 in US patent 6,885,025.

5. The examiner noted that in the reply for the species restriction requirements issued by the Office Action on 02/04/2005 , Applicant asserted that claims 2-35 belong to species I with claim 1 as the genus. Therefore , they are obvious variants of claim 1 and the reasons for the nonstatutory double patenting obviousness rejections of those claims will be detailed as the following:

**REGARDING CLAIM 2,3,5**

These claims has all the limitations as recited in claim 9 of US patent 6,885,025

**REGARDING CLAIM 4**

This claim has all the limitations recited in claim 4 and claim 9 of US patent 6,885,025.

**REGARDING CLAIM 6**

This claim has all the limitations recited in claim 7 and claim 9 of US patent 6,885,025.

**REGARDING CLAIM 7,32**

Claim 1 of US patent 6,885,025 discloses all the invention except for the use of blocking layer.

This feature, however, is considered obvious since the use of blocking layer to enhance the operation of the OLED is old and well known in the art as it has been fully disclosed by US patent 6,097,147 to Forrest and all. mentioned in column 8 line 39 of US patent 6,885,025.

A person skilled in the art at the time the invention was made would have been able to incorporate a blocking layer into the invention of Claim 1 of US patent 6,885,025 without any special teachings.

#### **REGARDING CLAIM 8**

This claim has all the limitations recited in claim 8 and claim 9 of US patent 6,885,025.

#### **REGARDING CLAIM 9**

Claim 17 of US patent 6,885,025 discloses all the invention except for the use of the TPbi second host material .

This feature, however, is considered obvious since the use of TPBi in the structure of the OLED is old and well known in the art as evidenced by the disclosure in US patent 5,645,948 in column 27 line 12 assigned to Shi et al.

A person skilled in the art at the time the invention was made would have been able to use the Tpbi host material into the invention of claim 17 without any special teachings.

#### **REGARDING CLAIM 10**

This claim has all the limitation of claim 14 of US patent 6,885,025.

#### **REGARDING CLAIM 11**

This claim is obvious over claim 1 of US patent 6,885,025.since claim 1 only recited an anode, a cathode and an emissive region therefore extra layers between the cathode and the emissive region are optional.

**REGARDING CLAIM 12**

The limitation **capable of** is considered **non-limitation**. Therefore, this claim has all the limitation of claim 1 of US patent 6,885,025.

**REGARDING CLAIM 13**

Claim 1 of US patent 6,885,025 discloses all the invention except for an additional emissive region between the anode and the emissive region

It would have been obvious to one having ordinary skill in the art at the time the invention was made to insert an additional emissive region between the anode and the emissive region since it has been held that mere duplication of the essential working parts of a device required only routine skill in the art.

**REGARDING CLAIM 14**

Claim 14 is obvious over claim 1 of US patent 6,885,025 since it has been held that when the general conditions of a claim are disclosed in the prior arts discovering the optimum or workable range involves only routine skill in the art.

**REGARDING CLAIM 15,16,28**

These claims has all the limitation of claim 10 of US patent 6,885,025.

**REGARDING CLAIM 17,18,19, 20,21,22,23,24,25,26,27**

These claims are obvious variants of claim 10 since it has been held that when the general conditions of a claim are disclosed in the prior arts discovering the optimum or workable range involves only routine skill in the art.

**REGARDING CLAIM 28,29,30**

These claims are obvious variants of claim 10 since it has been held that when the general conditions of a claim are disclosed in the prior arts discovering the optimum or workable range involves only routine skill in the art.

**REGARDING CLAIM 31**

This claim has all the limitations of claim 17 of US patent 6,885,025.

**REGARDING CLAIM 33,34**

Claim 1 of US patent 6,885,025 discloses all the invention except for the use of blocking layer.

This feature, however, is considered obvious since the use of blocking layer to enhance the operation of the OLED is old and well known in the art as it has been fully disclosed by US patent 6,097,147 to Forrest and all. mentioned in column 8 line 39 of US patent 6,885,025.

A person skilled in the art at the time the invention was made would have been able to incorporate a blocking layer into the invention of Claim 1 of US patent 6,885,025 without any special teachings.

**REGARDING CLAIM 35**

Claim 35 is obvious over claim 1 of US patent 6,885,025 for the reasons explained in the rejection of claim 34 and further remark since the modified claim 1 of US patent 6,885,025 discloses all the invention except for the selection of host material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to selected the emissive materials as recited in claim 1 since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

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6. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and the page numbers in the application and/or references cited to assist the examiner to locate the appropriate paragraphs.

7. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) day from the day of this letter. Failure to respond within the period for response will cause the application to be abandoned (see M.P.E.P. 710.02(b)).

### **CONCLUSION**

8. The prior arts made of record and not relied upon are considered pertinent to applicant disclosure: Shi et al. (US patent 5,593,788) disclose an organic electroluminescent devices with high operational stability.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thinh T Nguyen whose telephone number is 571-272-1790. The examiner can normally be reached on Monday-Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached at 571-272-1787.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Thinh T. Nguyen

*TTN*

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David Neims  
Supervisory Patent Examiner  
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